

"John Doe" (arrested 2/8/15 around 1:00am)  
 c/o Grayson County Detention Center  
 200 S Crockett  
 Sherman, TX 75090  
 Alternate contact: Mrs. "John Doe" (972) 294-9795

**DISTRICT COURT  
 FOR THE UNITED STATES  
 FOR THE EASTERN DISTRICT OF TEXAS,  
 SHERMAN DIVISION**

(101 East Pecan Street, Room 216, 903-892-2921)

**FILED**  
 U.S. DISTRICT COURT  
 EASTERN DISTRICT OF TEXAS  
 FEB 11 2015  
 BY DAVID J. MALAND, CLERK  
 DEPUTY

**The State of Texas**

**Ex parte**

On behalf of "~~John Doe~~,  
 Karl Schonwelder,  
 Wrongfully Accused

**NOTICE OF FEIGNED ACTION,  
 HABEAS CORPUS**

(prerogative writ and not under code)

**Federal Question [1]**

**Case No: (currently no charges filed)**

(Any perceived use of your codes is for your reference purposes only, considered as "c.f." and not meant to create any presumption of benefit, legal duty or liability on my part, but to show that your beliefs coincide with my beliefs; all legal presumptions notwithstanding and no process, procedure or otherwise by "Wrongfully Accused" shall be construed to traverse standing).

**CLERK'S NOTICE**

This Claim is recorded for the "District Court of the United States" [2][3] (as the "Wrongfully Accused" Court) and NOT the "United States District Court" (see also [4][5]), nor shall this record be misconstrued as a pro se filing. If the recipient clerk is unable to process this pleading, please direct it to the proper official.

If this case is in an improper jurisdiction, venue, or court, the court will inform "Wrongfully Accused" of such proper jurisdiction, venue or court, and MOVE THE CASE to a court of proper jurisdiction or venue, such that proper and complete remedy may be provided. In the case of any denial of remedy, this court will inform the "Wrongfully Accused" of the proper court and procedure to obtain relief. If the judge finds cause of lack of authority to provide remedy, it shall be documented in writing with a finding of fact and conclusions at law. The Writ of Habeas Corpus being necessary to establish standing for First Amendment Redress, can be done in chambers without oral argument, shall be heard immediately to establish proper standing to obtain complete remedy, whether or not it be after hours, as the court is always open.

<sup>1</sup> c.f. 28 USC § 1331.

<sup>2</sup> In all cases of seizure on land, **the district court sits as a court of common law**... 8 Wheat. 395.

<sup>3</sup> "Court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceedings according to the course of **common law**, its acts and proceedings being enrolled for a perpetual memorial. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689. of general jurisdiction.

<sup>4</sup> c.f. 28 USC § 2072 - Rules of procedure and evidence; power to prescribe

(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals.

(b) **Such rules shall not abridge, enlarge or modify any substantive right.** All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

(c) Such rules may define when a ruling of a district court is final for the purposes of appeal under section 1291 of this title.

<sup>5</sup> c.f. F.R.C.P. Rule 17 & 81; see also Mookini et al. v. United States, 303 U.S. 201, 58 S.Ct. 543, 82 L.Ed. 748 (1938).

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**Enclosures/attachments:**

#	Description	# Pages

**2. IDENTITY OF PARTIES AND COUNSEL****WRONGFULLY ACCUSED:**

- "John Doe", a man and unrepresented.

**WRONGDOERS:**

- GRAYSON COUNTY SHERIFF, J. Keith Gary [<sup>6</sup>] (Grayson County Detention Center),
- SERGEANT, James Woodson (Grayson County Detention Center)
- Jason Wall (WHITEWRIGHT POLICE CHIEF),
- Webber (Purported WHITEWRIGHT POLICE OFFICER)
- "Wrongfully Accused" #1 (Purported WHITEWRIGHT POLICE OFFICER),
- "Wrongfully Accused" #2 (Purported WHITEWRIGHT POLICE OFFICER),

**3. STATEMENT OF JURISDICTION**

- "Wrongfully Accused" is a visitor at Grayson County Texas with only a technical presence.

Wrongdoers are all residents in Texas and the events happened at Grayson County Texas.

<sup>6</sup> 28 § 2254 - State Custody, Advisory Committee Note: (1) The applicant is in jail, prison, or other actual physical restraint due to the state action he is attacking. The named respondent shall be the state officer who has official custody of the petitioner (for example, the warden of the prison).

1 **4. ISSUES PRESENTED**

2 2. Currently "Wrongfully Accused" is being held with no formal charges filed against him.

3 **4.1 No Probable Cause**

4 3. On or about February 8, 2015 around 12:30 AM "Wrongfully Accused" was traveling from a religious  
5 Shabbat meeting, in his private property, whereupon "Wrongfully Accused" was placed under  
6 constructive arrest thru the use of emergency procedures by the alleged officers.

7 4. "Wrongfully Accused" is accused of the non-emergency and purported traffic infraction of, "no  
8 license plate light" and for having "a dirty plate". Thereupon "papers" were demanded by way of a  
9 state issued I.D.

10 **4.2 No Duty to Produce ID**

11 5. "Wrongfully Accused" is accused of not producing "papers" by way of state issued I.D. However,  
12 without probable cause being established there is no duty to produce ID [<sup>7</sup>].

13 **4.3 No Commercial Nexus**

14 6. Further, no evidence has been proffered that "Wrongfully Accused's" property was being used in any  
15 commercial capacity [<sup>8</sup>] as dictated by the Tex. Motor Vehicle Code or that he or his property was  
16 otherwise subject to said Code.

17 **4.4 No Authority to Regulate**

18 7. There is no authority to regulate "Wrongfully Accused" [<sup>9</sup>].

<sup>7</sup> Tex Penal Code, § 38.02 Failure to Identify - ...refused to give ...who has lawfully arrested.

<sup>8</sup> TEXAS ADMINISTRATIVE CODE, TITLE 37 PUBLIC SAFETY AND CORRECTIONS, TEXAS DEPARTMENT OF PUBLIC SAFETY. RULE §16.1 **Who Must Be Licensed**. On or after April 1, 1992, **all persons domiciled in Texas**, except those expressly exempt by law, **who operate a commercial motor** vehicle (CMV), **must have a valid commercial driver's license** (CDL) issued by the department.

<sup>9</sup> TEXAS ADMINISTRATIVE CODE, TITLE 37, PART 1, TEXAS DEPARTMENT OF PUBLIC SAFETY, RULE §1.2, **Mission** - The mission of the Texas Department of Public Safety is: (1) to supervise traffic on rural highways; (2) **to supervise and regulate commercial and "for hire" traffic**; (3) to preserve the peace, to investigate crimes, and to arrest criminals; (4) to administer regulatory programs in driver licensing, motor vehicle inspection, and safety responsibility; and (5) to execute programs supplementing and supporting the preceding activities.

<sup>9</sup> "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings".

1 **4.5 Law Does not Provide for the Impossible**

2 8. As a non-resident "Wrongfully Accused" is not eligible to register his private property even if he  
3 desired to.

4 **4.6 Simulated Legal Process**

5 1. Purported charges are patently false and without merit. Strict proof is demanded thereof.

6 **4.7 Non-Statutory Habeas Corpus**

7 1. "Wrongfully Accused" is under actual custody at Grayson County Detention Center; however, even if  
8 freed any requirement to answer the simulated legal process [<sup>10</sup>] would create a constructive  
9 custody[<sup>11</sup>] in which exceptional circumstances warrant the exercise of the Court's discretionary  
10 powers, and that adequate relief cannot be obtained in any other form or from any other court.  
11 "Wrongfully Accused" has not been afforded an Administrative Hearing under the APA, there is an  
12 absence of a remedy from state corrective process, remedy has been otherwise barred, or they are  
13 ineffective to protect the inherent rights of "Wrongfully Accused", or otherwise come within the  
14 provisions of violations of the Constitution.

15 2. The Original Habeas is a matter of right and is not discretionary, the "Wrongfully Accused" has no  
16 commercial nexus with the state, the acts preformed by the Wrongdoers are under color and are in  
17 violation of the Constitution or laws or treaties of the United States [<sup>12</sup>] and there is an absence of  
18 available State corrective process, for these reasons habeas is required. No fee should be charged, any  
19 payment of a fee is not meant to create any joinder or loss of "Wrongfully Accused's" rights as

<sup>10</sup> Tex. Code. Crim Proc. § 13.27 Simulating Legal Process.

<sup>11</sup> "[i]t [habeas corpus] is not now and never has been a static, narrow, formalistic remedy; its scope has grown to achieve its grand purpose—the protection of individuals against erosion of their right to be free from wrongful restraints upon their liberty." \* \* \* "[B]esides physical imprisonment, there are other restraints on a man's liberty, restraints not shared by the public generally, which have been thought sufficient in the English-speaking world to support the issuance of habeas corpus." 398 F.2d at 710–711

<sup>12</sup> *c.f.* 28 U. S. C. § 1651, § 2241, §2254(b).

"Wrongfully Accused" is not making an application under the code [<sup>13</sup>] and any use of FRN's are to be deemed as lawfully redeemed [<sup>14</sup>].

#### 4.7.1 Fraud Upon the Court

1. **NOTIFICATION IS HEREIN GIVEN** to the magistrates of this court, of wrongdoing or fraud upon the court by way of the simulated process/wrongful arrest [<sup>15</sup>] and the requirement of remedy [<sup>16</sup>].

#### 4.7.2 Fundamental Error - Not Amenable to Process

1. "Wrongfully Accused" has no contacts with forum state of any continuous, systematic or substantial nature and any purported presence, being merely technical. Objection is not waived by contract, general appearance or otherwise, thereby constitutional due process is denied and fraud and constructive fraud is commenced.

2. Cause of action did not arise out of the nonresident's mere technical presence with Texas [<sup>17</sup>][<sup>18</sup>] and is without notions of fair play and substantial justice. The Wrongdoers have failed to take "Wrongfully Accused" directly to a magistrate [<sup>19</sup>], to reach the burden to plead sufficient allegations [<sup>20</sup>], recognize demure, or allow for an examination hearing for that purpose and "by raising the jurisdiction issue in

<sup>13</sup> Apply: To make a formal request or petition, to a court or officer, for the granting of some favor, or of some rule or order, which is within his or their power or discretion. - To apply for a pardon. When used with statutes in describing the class of persons, within its scope; as that the statute only "applies to transactions in interstate commerce". Black's Law 6<sup>th</sup>.

<sup>14</sup> Title 12, Sec 411.

<sup>15</sup> *see also* misprision of a felony.

<sup>16</sup> [*c.f. judicial notice*] - Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. *U.S. v. Will*, 449 U.S. 200, 216, 101 S.Ct. 471, 66 .Ed.2d 392, 406 (1980); *Cohens v. Virginia*, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821) Any judge or attorney who does not report such judges for treason as required by law may themselves be guilty of misprison of treason, 18 U.S.C. Section 2382.

<sup>17</sup> Whether the exercise of a state court's extraterritorial jurisdiction satisfies the requirements of the Due Process Clause depends on the relationship among the defendant, the forum, and the litigation, rather than the mutually exclusive sovereignty of the states or the mere presence of property in the forum [*International Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S. Ct. 154, 90 L. Ed. 95 (1945); *Shaffer v. Heitner*, 433 U.S. 186, 212, 97 S. Ct. 2569, 53 L. Ed. 2d 683 (1977)].

<sup>18</sup> We therefore conclude that all assertions of state court jurisdiction must be evaluated according to the standards set forth in *International Shoe* and its progeny [*Shaffer v. Heitner*, 433 U.S. 186, 212, 97 S. Ct. 2569, 53 L. Ed. 2d 683 (1977)].

<sup>19</sup> COURTS OF THE UNITED STATES -.Equity Jurisdiction of the Circuit Courts. 102. By the Act of August 23, 1842, it is enacted, 5, " That the district courts, as courts of admiralty, and the circuit courts, as courts of equity, shall be deemed always open for the purpose of filing libels, bills, petitions, answers, pleas, and other pleadings, and for...other proceedings whatever... [*Bouvier's 1856*]

<sup>20</sup> *Am. Type Culture Collection, Inc. v. Coleman*, 83 S.W.3d 801, 807 (Tex. 2002).

1 federal court, the nonresident defendant places the burden on the plaintiff to prove in personam  
2 jurisdiction" [<sup>21</sup>].

#### 3 **4.8 In the Alternative - Administrative Remedies Not Exhausted**

4 1. If by some strange notion that fair play and substantial justice is deemed to be held in the mind, then,  
5 alternatively to the above conditions, Constitutional due process has been withheld by denial of  
6 exhaustion of administrative remedies.

##### 7 **4.8.1 Or (Declaratory Judgment)**

8 1. Alternatively as related to the above condition, the primary jurisdiction doctrine of administrative  
9 remedies does not apply when the issue to be decided is inherently judicial in nature and it is alleged  
10 that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or  
11 impair, the legal rights or privileges of the "Wrongfully Accused", nor is it a prerequisite for a  
12 declaratory judgment concerning the validity or applicability of an agency rule, and may be relaxed  
13 when the administrative remedies are inadequate, or when the agency's action is unconstitutional,  
14 beyond its jurisdiction, or clearly illegal, or if only constitutional challenges to statute is made, or  
15 purely questions of law [<sup>22</sup>]. Therefore demand is made for the court to give declaratory notice, as to  
16 the rights and duties of the parties thru Declaratory Judgment, or as may be necessary to notify the  
17 agencies (Department of Public Safety and Whitewright Police Department) of the rights and duties of  
18 the parties for future reference as it relates to the substantive rights of "Wrongfully Accused" [<sup>23</sup>].

#### 19 **4.9 In the Alternative - Court Not Vested With Jurisdiction**

20 2. In further alternate than the foregoing issues, the record reflects that an information was not proffered,  
21 to vest the court with jurisdiction, or to determine a defense, or make a plea to the charge, further  
22 violating constitutional due process.

<sup>21</sup> Product Promotions, Inc. v. Cousteau, 495 F.2d483, 489-491 (5th Cir. [Tex.] 1974)].

<sup>22</sup> Dorsaneo, Texas litigation Guide §424.01[2], Administrative Proceedings, Direct Judicial Proceedings.

<sup>23</sup> See also 28 USC § 2202 Further relief.

**5. DEMAND FOR RELIEF**

WHEREFORE, the court did consider the matter and hereby directs the following:

1. **Direct GRAYSON COUNTY SHERIFF**, J. Keith Gary and/or **SERGEANT**, James Woodson (Grayson County Detention Center) to free "Wrongfully Accused" immediately.
2. **Direct Jason Wall** (WHITEWRIGHT POLICE CHIEF) to return stolen property to "Wrongfully Accused" (84' Red 4 door Mercedes 190D).
3. **Emergency and permanent injunction** on all wrongdoers and state actors from further collection and future harassment in their regulatory scheme;
4. **Declaratory notification** to the agencies of the State of Texas et. al, as to the duties of the agencies officers (as it relates to "Wrongfully Accused"), with a requirement for all state agencies to update, correct and/or purge their records as it pertains to "Wrongfully Accused" - written on "Wrongfully Accused" behalf;
5. **Sanctions** { TA \l " Fed.R.Civ.P. Rule 11(c)" \s " Fed.R.Civ.P. Rule 11(c )" \c 3 } against wrongdoing police officers for:
  - i. Submitting false, libelous, unwarranted, and baseless informations.
  - ii. Attempting to abuse the court for political rather than legitimate Constitutional purposes.
  - iii. Establishing a religion by attempting to proceed without any evidence whatsoever.
  - iv. Aggravated kidnapping the "Wrongfully Accused", uncompensated time responding to baseless charges, and thereby forcing him to make his private dealings into a public record in order to defend himself from libel.
  - v. Disciplinary action against purported officers for misuse of emergency procedures and for all reasons shown above.
6. All other relief that "Wrongfully Accused" shows is equitable and just for compensation and cost [<sup>24</sup>]; and
7. All other relief that may be available.

**6. VERIFICATION**

IN WITNESS OF THIS AGREEMENT, the undersigned states that all herein be true, to the best of my knowledge and ability, executed { TA \l "California Revenue and Taxation Code sections 6017 and 17018" \s "California Revenue and Taxation Code sections 6017 and 17018" \c 2 } from without the "United States"; *c.f.* definition in 28 U.S.C. §1603(c ), { TA \l "28 U.S.C. §1603(c )" \s "28 U.S.C. §1603(c )" \c 2 } §1746(1) and 26 U.S.C. §7701(a)(10)(26)(31) as of the day and year first written above.



John Doe Karl Schonwelder

<sup>24</sup> In any proceeding under the Uniform Declaratory Judgments Act, the trial court is authorized to award costs and "reasonable and necessary" attorney's fees that are "equitable and just". [Dorsaneo, Texas Litigation Guide § 45.06[1]].